

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

.....
JACK CHASE,

Petitioner,

9:04-CV-0550
[LEK][DEP]

v.

ISRAEL RIVERA,

Respondent.
.....

APPEARANCES:

JACK CHASE
Petitioner, *pro se*
Bomoseen, VT 05732

LAWRENCE E. KAHN, DISTRICT JUDGE

ORDER

Presently before this Court is a motion to dismiss this action filed by the petitioner ("Chase" or "petitioner"). Chase states in his motion that he wishes to dismiss this action since he was released due to the outcome of his state court proceedings.

See Dkt. No. 15.

Rule 41(a)(1) of the Federal Rules of Civil Procedure provides in relevant part as follows:

[A]n action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, which ever first occurs,....

As of the date hereof, the defendants named in plaintiff's *pro se* complaint have not been served with the summons and complaint, and plaintiff is entitled to dismiss this

action.

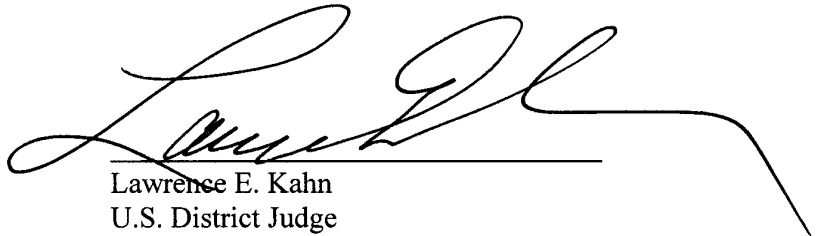
WHEREFORE, based upon the above, it is hereby

ORDERED, that Petitioner's motion to dismiss (docket no. 15) is **GRANTED** and this action **DISMISSED**, and it is further

ORDERED, that the Clerk serve a copy of this Order on the petitioner by regular mail.

IT IS SO ORDERED.

DATED: August 03, 2005
Albany, New York



Lawrence E. Kahn
U.S. District Judge